M

Secy. II-37—104,000—31-5-48.

REVENUE **(195 48) Department.**

Press ~~MS.~~ **SERIES.**

G.O. No. 2065

Dated 30th August 1948.

[Despatch Abstract.]

Tax--The Madras General Sales Tax (Amendment) Act, 1948--(Madras Act XVI of 1948)--Date of enforcement of section 2 of the Act and amendment to rule 4-A (i) of the Madras ~~XXIXX~~ XXX General Sales Tax (Turnover and Assessment) Rules, 1939--Notifications--Published.

GOVERNMENT OF MADRAS.
Abstract.

Tax--The Madras General Sales Tax (Amendment) Act, 1948-(Madras Act XVI of 1948)--Date of enforcement) of section 2 of the Act and amendment to rule 4-A (i) of the Madras General Sales Tax (Turnover and Assessment) Rules, 1939--Notifications--Published.

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REVENUE DEPARTMENT.

G.O.MS.NO.2065 dated/30th August 1948;
Read the following.

G.O.Ms.No.693, Revenue, dated/25th March 1948.
G.O.Ms.No.1326, Revenue, dated 3rd June 1948.
G.O.Ms.No.2015, Revenue, dated 23rd August 1948.
Reference from the Board of Revenue, No.T.2439/48-2, d/15th April 1948.

ORDER:

The appended notifications will be published in the Fort St. George Gazette.

(By Order of His Excellency the Governor)

V.K. Rao,
DEPUTY SECRETARY TO GOVERNMENT.

To the Board of Revenue.
To the Superintendent, Government Press (for publication of notifications).
To the Deputy Commissioner of Commercial Taxes(through the Board of Revenue)
To all Commercial Tax Officers (with copies to Deputy Commercial Tax Officers and Assistant Commercial Tax Officers).
To the Legal Department.
To the Director of Information and Publicity.

APPENDIX.
Notifications.

I.

In exercise of the powers conferred by section 1, sub-section (2), of the Madras General Sales Tax (Amendment) Act, 1948 (Madras Act XVI of 1948), His Excellency the Governor of Madras hereby appoints the 1st day of September 1948 as the date on which section 2 of the said Act shall come into force.

II.

In exercise of the powers conferred by section 3, sub-sections (4) and (5), of the Madras General Sales Tax Act, 1939 (Madras Act IX of 1939), as subsequently amended, His Excellency the Governor of Madras hereby makes the following amendment to the Madras General Sales Tax (Turnover and Assessment) Rules, 1939, published with Revenue Department Notification No.818, dated the 12th September 1939, at pages 1-5 of the Extraordinary issue of the Fort St. George Gazette, dated the 15th September 1939, as subsequently amended.

The amendment hereby made shall come into force on the 1st September 1948.

Amendment....

AMENDMENT.

In the rule 4-A of the said rules, for clause (i), the following clause shall besubstituted, namely:-

"(i) the sale of cotton yarn, other than handspun yarn, shall be liable to tax under section 3(1) when sold by a person who in the Province is the first dealer in such yarn who is not exempt from taxation under section 3 (3):

Provided that the burden of proving that a transaction is not liable to taxation under this clause shall be on the dealer."

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C.No.32418 N/48.

REVENUE DEPARTMENT.

Tax--Madras General Sales Tax (Turnover and Assessment) Rules, 1939--Levy of tax on cotton yarn other than handspun yarn--Points at which tax should be levied--Amendment to Rule 4-A (i).

To D.S.

The Madras General Sales Tax (Amendment) Bill, 1948 which provides for the levy of tax on cotton yarn other than handspun yarn at a single point at the rate of ½ percent instead of at two points at ¼th percent at each point has been published in the Fort St. George Gazette dated/ 19.5.48. It is proposed to introduce the Bill during the next session of the Legislature which is expected to commence in July 1948. If the Bill is passed into law, the provisions of Rule 4-A (i) of the Madras General Sales Tax (Turnover and Assessment) Rules 1939, which provide for the levy of tax on cotton yarn other than handspun yarn at two points will have to be amended. The Board has proposed that the rule may be amended as follows:-

"The sale of cotton yarn other than handspun yarn shall be liable to tax under section 3(1) when sold by a person who in the province is the first dealer in such yarn who is not exempt from taxation under section 3(3).

Provided that the burden of proving that a transaction is not liable to taxation under this clause shall be on the dealer."

The Board's proposal which follows the provisions of Rule 4(A) (ii) of the Madras General Sales Tax (Turnover and Assessment) Rules, 1939, may be accepted.

3. Amendments to the Madras General Sales Tax (Turnover and Assessment) Rules, 1939 require the approval of the Assembly--Section 3(4) of the Madras General Sales Tax Act, 1939. The amendment referred to in para 2 above may be moved in the Assembly in the next session in July after the Madras General Sales Tax (Amendment) Bill, 1948 is passed into law. The draft notice of motion may however be kept ready. The draft below is for approval. It may be sent to Legal for scrutiny before circulation.

(Sd.)
4.6.48.

LEGAL DEPARTMENT.

The alterations indicated in red ink on the draft may be made.

(Sd.)

To D.S.

Please see the notes on pages 1-2 ante.

2. It is understood that the Legislature will meet in the first week of July. The draft amendments to the Madras General Sales Tax Act (T & A) Rules will have to be moved in the Assembly after the Amendment Bill is passed into law this may therefore lie over till 15-7-48.

(Sd.)
12.6.48.

To....

To D.S.

REVENUE DEPARTMENT.
N.

Please see the notes on pages 1-2 ante. above.

2. It is understood that the Legislature will meet in the first week of July. The draft amendments to the Madras General Sales Tax (T & A) Rules will

2. The Madras General Sales X Tax Act (Amendment) Bill, 1948 has since been passed by the Assembly. It will be introduced in the council when it meets on 22.7.48. The amendments to the Turnover and Assessment Rules will have to be approved by the Legislative Assembly after the Bill referred to above is passed in the council also. The notice of motion relating to the amendments to the Turnover and Assessments rules may be sent to the Secretariat of the Madras Legislature now itself so that they may take steps to include the item in the agenda as soon as the Amendment Bill is passed by the council. The file may be circulated to Finance for signing the notice of motion kept below. (o/c & Fc put up)

(Sd.)

(Issued as Letter No.32418N/2-2 dated/16.7.48)
From the Secretariat of the Madras Legislature U.O. 4567/48-1 M.C; 20.8.48.
-do- -do- U.O.4567/ -2 M.C. 20.8.48.

To Assistant Secretary.

The Madras General Sales Tax (Amendment) Act, 1948, raising the rate of sales tax to be levied on the sales of cotton yarn other than handspun yarn from 1/4 per cent at two points to 1/2 per cent at a single point has since been published. The consequent amendment to Rule 4-A of the Turnover and Assessment Rules fixing the point at which the tax has to be levied has also been approved by the Legislative Assembly-Please see the intimation from the Legislature Secretariat at page 5 C.F. The provisions of section 2 of the Amendment Act referred to above and the amendment to the Turnover and Assessment Rules referred to at page 6 c.f. may be brought into force with effect on and from 1-9-1948. Subject to orders, a draft order is submitted for approval. The file may be sent to Finance for acceptance of the draft order and to Legal for serutiny of the notifications.

(Sd.)

Finance
Legal.

FINANCE (AA)

Draft accepted.

Legal.

Legal Department.

Draft notification I. The slight alterations indicated in red ink on the draft notification may be made.
Draft notification II. This is in order.

(Sd.)

May Issue.
(Sd.)

R.D.
H.M. (Finance)

To A.S.

H.M. (Finance)

A draft memo to the S.G.B. requesting him to see that the notification is published in the Fort St. George Gazette d/31.8.48 is submitted for approval.

(Sd.)
OFFICE ASSISTANT 16/8
MADRAS RECORD OFFICE.

C.N.V.

NV 31/8/48